

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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DATE: OFFICE: NEBRASKA SERVICE CENTER
JUN 15 2012

IN RE: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

[REDACTED]
INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the field office or service center that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Mari Johnson
Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will dismiss the appeal as moot.

The petitioner seeks to classify the beneficiary pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as an alien of exceptional ability in business. The petitioner, an automotive component manufacturer, seeks to employ the beneficiary as its president. The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the beneficiary qualifies for classification as an alien of exceptional ability in business, but that the petitioner has not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

The record identifies [REDACTED] of [REDACTED] as the petitioner's attorney of record. The record, however, does not contain a properly executed Form G-28, Notice of Entry of Appearance as Attorney or Representative, signed by both the attorney and by an authorized official of the petitioning entity. Specifically, there are several Forms G-28 in the record, but each shows a stamped facsimile of [REDACTED] signature rather than an original handwritten signature as required by the U.S. Citizenship and Immigration Services (USCIS) regulation at 8 C.F.R. § 103.2(a)(2).

The USCIS regulation at 8 C.F.R. § 103.3(a)(2)(v)(A)(2) specifies certain circumstances in which USCIS should attempt to obtain a properly executed Form G-28. In this instance, however, such an effort would be unproductive because the available evidence shows the appeal to be moot. Therefore, in the absence of a properly executed Form G-28, the AAO considers the petitioner to be self-represented for the purposes of this decision.

USCIS records show that, subsequent to filing the instant petition, the petitioner filed another Form I-140 petition seeking the same classification for the beneficiary (but with an approved labor certification) on September 21, 2011, with receipt number LIN 11 910 10713. The director approved that petition on February 29, 2012. The beneficiary filed a Form I-485 Application to Adjust Status, receipt number LIN 12 900 65484, on October 20, 2011. The director approved that application on April 5, 2012. Because the beneficiary has adjusted to lawful permanent resident status, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed, based on the beneficiary's permanent resident status.